

## FELLS POINT WATERFRONT URBAN RENEWAL PLAN

### DISCLAIMER:

The following document has been prepared in an electronic format which permits direct printing of the document on 8.5 by 11 inch dimension paper.

If the reader intends to rely upon provisions of this Urban Renewal Plan for any lawful purpose, please refer to the ordinances, amending ordinances and minor amendments relevant to this Urban Renewal Plan.

While reasonable effort will be made by the Baltimore City Department of Planning to maintain current status of this document, the reader is advised to be aware that there may be an interval of time between the adoption of any amendment to this document, including amendment(s) to any of the exhibits or appendix contained in the document, and the incorporation of such amendment(s) in the document.

By printing or otherwise copying this document, the reader hereby agrees to recognize this disclaimer.

### NOTE:

Ordinance 07-569, which established the Fells Point Waterfront Urban Renewal Plan, also repealed Ordinance 75-999, which established the Fells Point Urban Renewal Area and which was last amended by Ordinance 06-197. The provisions, standards and requirements of the Fells Point Urban Renewal Plan are therefore no longer in effect.

# **FELLS POINT WATERFRONT**

## **URBAN RENEWAL PLAN**

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
BALTIMORE, MARYLAND

APPROVED BY

THE CITY OF BALTIMORE PLANNING COMMISSION

November 22, 2006

## TABLE OF CONTENTS

### FELLS POINT WATERFRONT URBAN RENEWAL PLAN

	<u>Page</u>
A. PROJECT DESCRIPTION	3
1. Boundary Description	3
2. Objectives and Reasons for Various Provisions of this Plan	3
B. LAND USE PLAN	3
1. Zoning	3
2. Planned Unit Developments	4
3. Regulations, Controls and Restrictions	4
a. Plan Review Requirement	4
b. Provisions Applicable to All Land and Properties	4
c. PUD Standards and Controls	5
C. TECHNIQUES USED TO ACHIEVE PLAN OBJECTIVES	5
1. Acquisition	5
a. Conditions under which Properties may be acquired	6
b. Actions to be Followed By the Department of Housing and Community Development Upon Acquisition of Properties	6
2. Review of Development	7
3. Land Disposition	7
4. Zoning	7
D. DURATION OF PROVISIONS AND REQUIREMENTS	7
E. PROCEDURES FOR CHANGES IN APPROVED PLAN	7
F. SEPARABILITY	8

#### APPENDIX

- A. Waterfront Area Controls (including Exhibit 1)

#### EXHIBITS

- 1. Land Disposition (Map) and Waterfront Area Controls

# FELLS POINT WATERFRONT

## URBAN RENEWAL PLAN

### A. PROJECT DESCRIPTION

#### 1. Boundary Description

Beginning at a point at the intersection of the centerlines of Aliceanna Street and South Chester Street running southerly to the water's edge; thence running in a southerly direction and binding on an imaginary straight line extending the eastern right-of-way line of Chester Street through the northwest branch of the Patapsco River, a distance of 170 feet, more or less, to a point of intersection with a second imaginary straight line; thence running in a westerly direction and binding on said second line a distance of 415 feet, more or less, to a point of intersection with a third imaginary straight line extending the western boundary line of Lot 1, Block 1815 through said northwest branch; thence running in a northerly and easterly direction and binding on the third line a distance of 155 feet, more or less, and on the western and northern property lines of said Lot 1, Block 1815, to a point of intersection with the northern right-of-way line of Dock Street; thence running in an easterly direction, and binding on the northern right-of-way line of Dock Street, to a point of intersection with the western right-of-way line of South Caroline Street; thence running in a southerly direction and binding on the center of the right-of-way line of South Caroline Street, to the point of intersection with the centerline of Thames Street; thence running northeasterly on the centerline of Thames Street to the intersection of South Wolfe Street; thence proceeding northerly on the centerline of south Wolfe Street to an imaginary line created by the centerline of South Wolfe Street and the northeast corner of the property known as 705 South Wolfe Street, Block 1847, Lot 19, thence proceeding easterly along the property line of the lot, approximately 349 feet, then northerly along the property line approximately 90 feet and continuing northerly to the centerline of Aliceanna Street, then proceeding easterly to the point of beginning.

#### 2. Objectives and Reasons for Various Provisions of This Plan

- a. To maximize public access to the waterfront through public parks and a promenade along the waterfront in private development.
- b. To protect and enhance views of the Harbor from Fells Point north/south streets.
- c. To establish waterfront guidelines that compliment the Historic District and provide for appropriately scaled development in Fells Point.

### B. LAND USE PLAN

#### 1. Zoning

Unless otherwise stated, land use is governed by the provisions of the Zoning Code of Baltimore City.

## 2. Planned Unit Developments

In all portions of the Project Area that are now or may later be subject to any Planned Unit Development created under Title 9 of the Zoning Code of Baltimore City, all uses permitted by the PUD are permitted in the portions of the Project Area covered by the PUD in accordance with the terms and conditions of the PUD.

## 3. Regulations, Controls and Restrictions

### a. Plan Review Requirement

In order to insure that development is consistent with the requirements and objectives of this Urban Renewal Plan, all plans and specifications must be submitted to and approved by the Department of Housing and Community Development as follows:

#### (1) Review of Plans for New Construction, Exterior Rehabilitation, or Change in Use

All plans for new construction (including parking lots), exterior rehabilitation, or change in use on any property not to be acquired under the provisions of this Plan shall be submitted to the Department of Housing and Community Development for review. Only upon finding that the proposed plans are consistent with the objectives of the Urban Renewal Plan shall the Commissioner of the Department of Housing and Community Development authorize the processing of the plans for issuance of a building permit. The provisions of this section are in addition to and not in lieu of all other applicable laws and ordinances relating to new construction.

### b. Provisions Applicable to All Land and Properties

Over and above the codes and ordinances of Baltimore City, the additional standards that shall be applied to all land and property in Fells Point are outlined below.

#### (1) Controls on Waterfront Property

Objectives for waterfront development and controls on land and property along the waterfront are contained in Appendix A – Waterfront Area Controls.

#### (2) Controls on Disposition Lots

The following regulations, controls, and restrictions will be implemented where applicable by covenants or other provisions in the agreements for land disposition by the Mayor and City Council and instruments of conveyance executed pursuant thereto:

#### (a) Redeveloper's Obligations

- i. The Redeveloper shall not enter into, execute, or be a party to any covenant, agreement, lease, deed, assignment, conveyance, or any other written instrument that restricts the sale, lease, use, or occupancy of the property or any part thereof, or any improvements placed thereon, on the basis of national origin, race, religion, sex, or color. An agreement or covenant providing for this non-discrimination provision shall be included in the instruments, and the City of Baltimore shall be

deemed a beneficiary of the covenant and shall be entitled to enforce it. The Redeveloper shall comply with all State and local laws, in effect from time to time, prohibiting discrimination or segregation.

- ii. The Redeveloper shall agree to retain the interest he or she acquires in the property transferred to him or her until he or she has completed the improvements, construction, and development in the area required by this Plan and the disposition instruments, and he or she shall further agree not to sell, lease or otherwise transfer the interest he or she acquired or any part thereof without the prior written consent of the Commissioner of the Department of Housing and Community Development or until the Department has certified in writing that the Redeveloper has completed the improvements, construction and development in the area

(b) Specific Lot Controls

Disposition Lot 22

Disposition Lot 22 shall be developed as a hotel and/or residential use in the context of a hotel, office space, retail, restaurant and bar, which may include outdoor seating, marina, maritime services, and parking.

This project is being redeveloped in accordance with the United States Department of the Interior's Standards for Rehabilitation of Historic Properties, subject to approval of the Baltimore City Department of Planning.

Disposition Lot 22 shall be exempt from the Waterfront Area Controls, as specified in Appendix A of this Plan.

There shall be a promenade providing public access to the open space on the south end of the pier.

c. PUD Standards and Controls

To the extent of any conflict between the provisions of this Renewal Plan and the provisions of any PUD, or to the extent that standards and controls, permitted uses, or any other provisions contained in any PUD are not contained in the Renewal Plan, the standards and controls, permitted uses, or any other provisions of the PUD including without limitation, those affecting use, parking, aesthetic controls, setbacks, specific lot controls, and building heights, shall control.

C. TECHNIQUES USED TO ACHIEVE PLAN OBJECTIVES

1. Acquisition

a. Conditions under which properties may be acquired

(1) Non-Salvable and Non-Compliance with Provisions

It may be necessary to acquire, by purchase or by condemnation for urban renewal purposes, the fee simple interest or any lesser interest in and to such of the remaining properties or portions thereof in Fells Point Waterfront as may be deemed necessary and proper by the Commissioner of the Department of Housing and Community Development to effect the proper implementation of the project. This may include:

- (a) Any property in the project area containing a non-salvable structure, i.e., which, in the opinion of the Commissioner of the Department of Housing and Community Development, cannot be economically rehabilitated.
  - (b) Any property, the owner of which is unwilling to comply or conform to the Codes and Ordinances of Baltimore City within 12 months from the date of written notice of the required improvements. The Department of Housing and Community Development, after due consideration that the property owner has willfully refused to achieve substantial conformity with Housing, Health, Zoning, Building and Fire Codes and Ordinances of Baltimore City, may acquire such property pursuant to the Eminent Domain Law of this State as if the property has originally been planned for acquisition after 90 days written notice to the owner. The Department of Housing and Community Development reserves the right to acquire any such non-complying property for a period of 2 years from the date of the written 90 days notice by the Department of Housing and Community Development.
- (2) Rehabilitation by the Department of Housing and Community Development or Others

It may be necessary to acquire, by purchase or condemnation the fee simple interest, or any lesser interest, in and to such of the remaining properties not specifically designated for acquisition on the Property Acquisition Map, in order to carry out rehabilitation by the Department of Housing and Community Development or for resale. These properties are being acquired because:

- (a) rehabilitation on a structure-by-structure basis is infeasible, and assemblage of a group of properties is required to carry out the objectives set forth in this Plan; or
- (b) rehabilitation of individual, scattered properties is necessary in order to remove blighting influences from otherwise sound residential blocks.

b. Actions to Be Followed By the Department of Housing and Community Development upon Acquisition of Properties

Upon the acquisition of properties, the Department of Housing and Community Development will either:

- (1) demolish the structure or structures thereon and dispose of the land for redevelopment for uses in accordance with this Plan and with the codes and ordinances of Baltimore City; or

- (2) sell or lease the property subject to rehabilitation in conformance with the codes and ordinances of Baltimore City; or
- (3) rehabilitate the property in conformance with the codes and ordinances of Baltimore City and dispose of property in accordance with applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished, property may be rented pending continuing sales efforts.

## 2. Review of Development

In any portion of the Fells Point Waterfront that becomes part of a historical district under Article 6, Subtitle 3 of the Baltimore City Code {Process for Designating Districts and Properties} (as amended from time to time), any excavation, construction or erection, reconstruction, alteration, removal of any exterior architectural feature, change in the exterior color by painting or other means, or demolition of any structures may proceed only as permitted under Article 6, Subtitle 4 of the Baltimore City Code {Alterations, Etc. to Properties} (as amended from time to time).

## 3. Land Disposition

- a. Land and property interest acquired by the Mayor and City Council within the project area will be disposed of by sale, lease, conveyance, or transfer or other means available to the City, in accordance with Exhibit 1, “Waterfront Area Controls and Disposition”.
- b. The parcels shown on Exhibit 1 are schematic and approximate. The Department of Housing and Community Development shall have the right, in its discretion, to fix their precise boundaries and size. For purposes of disposition, the parcels or lots, as shown on Exhibit 1 may be subdivided or combined.

## 4. Zoning

All appropriate provisions of the Zoning Code of Baltimore City shall apply to properties in the Project Area. Any change in the Zoning Code embodied in this Urban Renewal Plan shall be approved by ordinance, in accordance with the procedural requirements of the Zoning Code and Article 66B of the Annotated Code of Maryland (1957 Edition, as amended).

# D. DURATION OF PROVISIONS AND REQUIREMENTS

The Fells Point Waterfront Urban Renewal Plan, as it may be amended from time to time, shall remain in full force and effect for a period of forty (40) years from the date it is enacted.

# E. PROCEDURES FOR CHANGES IN APPROVED PLAN

The Department of Housing and Community Development shall submit to the appropriate Fells Point community organizations, as listed in the Community Association Directory published by the Planning Department, above for their review and comment, all proposed



amendments to the Urban Renewal Plan no later than the time the proposed amendments are submitted to the Director of the Department of Planning by the Department of Housing and Community Development. Any written comments and recommendations by the community organizations shall be transmitted to the Department of Housing and Community Development no later than four (4) weeks after the proposed amendments have been submitted to the appropriate community organizations. Prior to passage of any ordinance amending the Urban Renewal Plan, a public hearing shall be held and the community organizations shall receive at least ten (10) days prior to such hearing, written notice of the time and place of such hearing.

With respect to any land in the project area previously disposed of by the city for use in accordance with the Urban Renewal Plan, the then owner of such land, whose interests therein are materially affected by such changes, shall receive at least ten (10) days prior to such hearing, written notice of the time and place of such hearing and information as to where a copy of the proposed amendments may be inspected.

F. SEPARABILITY

In the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part of this Plan, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, it being hereby declared that the remaining provisions of the Plan without the word, phrase, clause sentence, paragraph, section or part, or the application thereof, so held invalid would have been adopted and approved.

## FELLS POINT WATERFRONT URBAN RENEWAL PLAN

### APPENDIX A

#### WATERFRONT AREA CONTROLS

This Appendix and the accompanying exhibit contain the various special controls applicable to properties along the Fells Point waterfront. These additional controls have been included in order to insure that public access to the waterfront be maximized, opportunities for visual enjoyment of the water be created and/or preserved, and contrast and variety of building façades along the waterfront be maintained.

##### Pedestrian Access

Public pedestrian access to the water shall be provided through a series of easements – Public Access Corridors – leading to a shoreline walk – Pedestrian Promenade – the general location of which is shown on the accompanying exhibit. The Pedestrian Promenade will be established by an easement that shall be no less than 20 feet in width of which a minimum of 12 feet must be permanently constructed promenade and a minimum of 8 feet must be landscaped area. In limited areas, where it can be demonstrated that it is functionally justified, the Commissioner of the Department of Housing and Community Development may allow a promenade and/or landscaped area of lesser width. These required easement improvements shall be built and maintained by the developer. Public pedestrian access on private property shall be subject to such reasonable rules and regulations as may be promulgated by the owner of such property and agreed to in writing by the Commissioner of the Department of Housing and Community Development.

Provided AlliedSignal elects to proceed with the development of Area 9, an interim or temporary pedestrian promenade shall be constructed around the waterfront of Area 9 within a reasonable time after AlliedSignal has completed remediation of its site and an environmental monitoring process is operative; thereafter, the timetable for construction of any permanent Pedestrian Promenade on Area 9 shall be established in the reasonable discretion of the Commissioner

##### Promenade Standards

Design of lights, street furniture, decorative elements, and paving details must be approved by the Commissioner of the Department of Housing and Community Development.

1. Lighting – Adequate lighting to provide public safety during evening hours.
2. Benches – One bench every 50 feet or the equivalent number.
3. Satellite dishes, utility connections or poles or any other obstacles to the pedestrian shall not be permitted. Bollards, statues, fountains, kiosks or other decorative elements may be permitted subject to written approval by the Commissioner of the Department of Housing and Community Development.

4. Off-street parking adjacent to the promenade is not encouraged. However, if it is found to be necessary, the parking lot or facility shall be screened from the promenade. Screening shall consist of a masonry wall or durable fence or combination thereof sufficient to screen automobiles. In lieu of such wall or fence, adequate landscaping sufficient to screen automobiles at the time of original planting may be used. Screening and landscaping shall be maintained in good condition by the property owner.
5. Automobiles, trucks, or other motorized vehicles shall not cross or otherwise use the pedestrian promenade except for those vehicles needed for service, maintenance or public safety of the promenade.
6. Trash Receptacles – One trash receptacle should be provided for every 150 feet of promenade.
7. Paving – The standard paving detail shall be a minimum of 8 feet of brick with 2 feet of concrete band on both the water's edge and the landward edge. Wood-decked promenade may be permitted by the Commissioner of the Department of Housing and Community Development in the following instances: (a) where an existing building does not allow for a walkway on grade; (b) when required to avoid possible conflicts between pedestrians and automobiles; and/or (c) where substantial public benefits are proposed by the developer. Tidal step-downs or other elements in addition to the promenade may be constructed of wood. Within Area 9, the promenade may be of wood design.
8. Hours – The Pedestrian Promenade shall remain open 24 hours daily for public pedestrian access.

#### Public Access Corridors

In order to assure public access to the Pedestrian Promenade and to preserve and enhance views of the water, the following public access corridors shall be designated. The minimum width of the corridors shall be 50 feet. Landscaping, trees, lights, benches, tables, and other public amenities that will enhance, not impede, public view of the water shall be permitted. Off-street parking is not permitted within these corridors, except following review and approval of the Commissioner of the Department of Housing and Community Development. All access corridors should connect sidewalk and promenade and be physically and visually uninterrupted, and they must be accessible 24 hours daily. The general location of the following public access corridors are shown on the accompanying exhibit.

1. From a point at the approximated intersection of Thames, Philpot and Caroline Streets extended south to the water.
2. From a point at the approximate intersection of Thames and existing Caroline Street southeast to the water.
3. From the eastern right-of-way of Bond and Thames Streets, 50 feet west to a point, southeast to the water's edge to a point, 100 feet east on the water's edge to the point of the existing right-of-way of Bond Street north to the intersection of Bond and Thames Streets.

4. From the end of Broadway south to the water.
5. From the end of Ann Street south to the water.
6. From a point approximately in front of 929 Fell Street southwest to the water.
7. From a point at the end of Fell Street east to the water along the property line between 1001 Fell Street and 935 S. Wolfe Street. The corridor shall extend 25 feet on either side of the property line.
8. From a point at the intersection of Washington Street extended and Thames Street south to the water.
9. From point at the approximate intersection of Fell and Wolfe Streets southeast to the water.
10. From the end of Thames Street east to the water.
11. From the end of Lancaster Street east to the water.
12. From a point at the approximate intersection Aliceanna and Chester Streets south to the water.
13. The following public streets – Broadway, Ann and Chester Streets – shall be designated as long view corridors. New obstructions, such as balconies, bridges or structures shall be permitted only with prior approval of the Commissioner of the Department of Housing and Community Development.
14. From a point at the approximate intersection of the realigned Wills Street ad Philpot Street south to the water.

#### Height Limitations

The maximum building height shall be defined as the vertical distance measured, in the case of flat roofs, from the mean curb level of the highest point of the roof adjacent to the street wall, and in the case of pitched roofs, from the mean curb level to the mean height level of the roof. Where the walls of a building are not adjacent to a street curb, the height of a building shall be measured from the average elevation of the ground adjoining the walls.

- Area 1 - The maximum building heights shall be as set forth in the Constellation PUD.
- Area 2 - The maximum building heights shall be as set forth in the Constellation PUD.
- Area 3 - Thames Street elevations shall be no higher than 40 feet. A building addition up to a maximum of 53 feet will be permitted if it is set back and designed so that it is not visible from the street frontage opposite this area.

- Area 4 - Maximum building height shall not exceed 40 feet.
- Area 5 - Maximum building height shall not exceed 60 feet, except on the property known as 1000 Fell Street where rehabilitation of the roof structure to accommodate a seventh story is permitted, provided that this seventh story is recessed so as not to be seen from the street frontage of the subject property, and a further exception is provided for the property known as 932-944 Fell Street (Belt's Wharf Condominium Property) for a building addition up to a maximum of 74 feet if recessed 40 feet from the street frontage of the property.
- Area 6 - The average height of built area shall be no more than 50 feet, with a maximum height of 60 feet. The maximum height along the water's edge is 40 feet. Additional height over 40 feet up to the maximum of 60 feet shall be constructed so that it is not visible from that portion of the promenade adjacent to the area or shall step up at an angle of no more than 45 degrees.
- Area 7 - The average height of built area shall be no more than 75 feet, with a maximum height of 90 feet. The maximum height along Wolfe Street and the water's edge is 40 feet. The maximum height along Thames Street is 60 feet. Additional height over the 40 feet and 60 feet up to the maximum of 90 feet shall be constructed so that it is not visible from that portion of the promenade adjacent to the area, Wolfe Street or Thames Street or shall step up at an angle of no more than 45 degrees.
- Area 8 - The average height of built area shall be 45 feet, with a maximum height of 65 feet. The maximum height on Aliceanna Street, Chester Street and the water side shall be 40 feet for a minimum of 40 feet depth. The building shall be set back a minimum of 20 feet from the Chester Street right-of-way. Additions to the existing building at 705 S. Wolfe Street are permitted up to 65 feet. These additions shall be set back so as not to be seen from Wolfe Street, Aliceanna Street and the promenade adjacent to the area.
- Area 9 - Within Area 9 a 45 foot height at the edge is imposed along the Harbor and in the area adjacent to Fells Point at Caroline Street or Dallas Street; the maximum height shall step up to 180 feet in the center block of the site as set forth in the Planned Unit Development governing Area 9.

## EXHIBIT 1

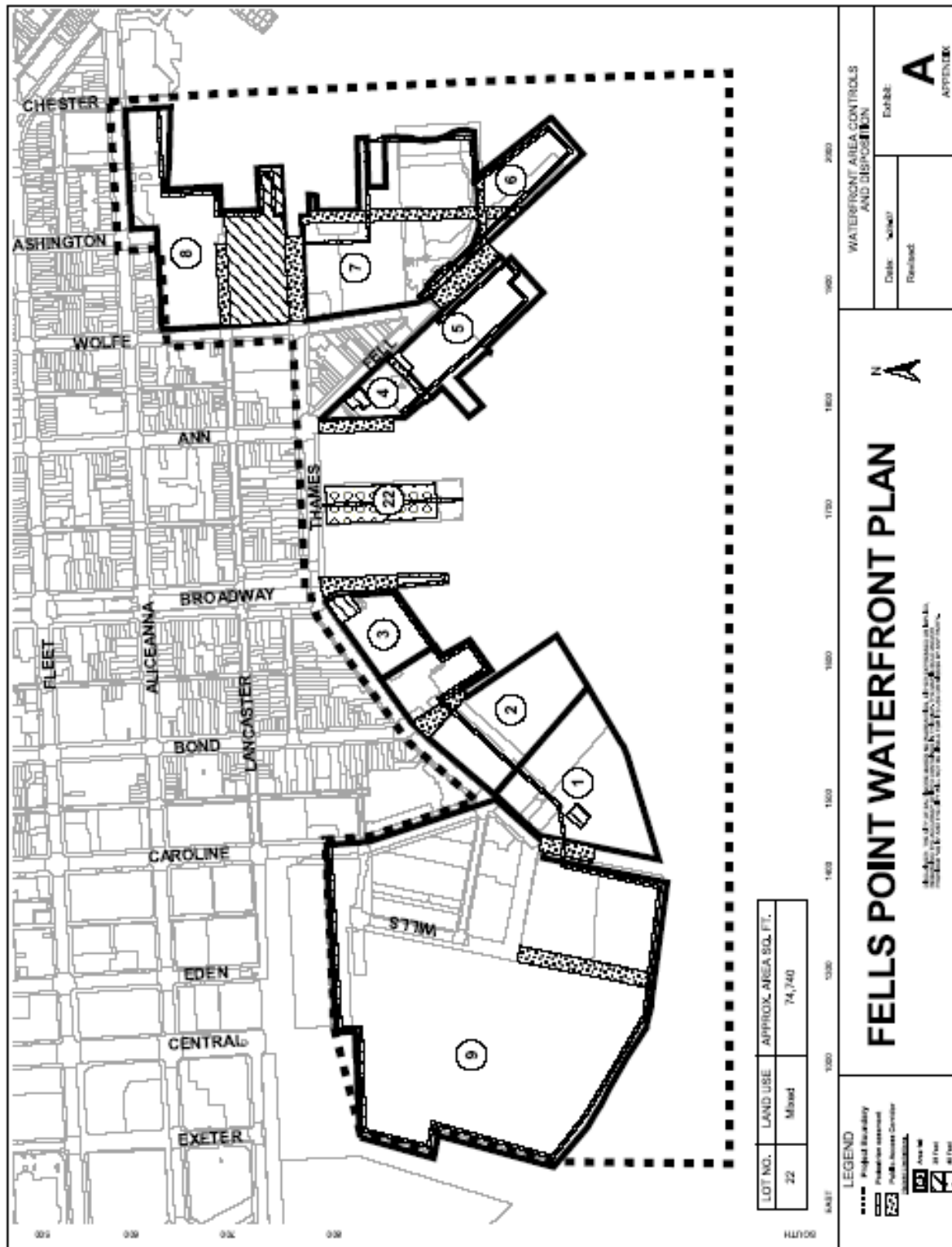


Exhibit 1